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NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re PAIGE F., a Person Coming Under the Juvenile Court Law.	
ORANGE COUNTY SOCIAL SERVICES AGENCY, Plaintiff and Respondent, v. CINDY L., Defendant and Appellant.	G041483 (Super. Ct. No. DP004644) O P I N I O N

Appeal from a postjudgment order of the Superior Court of Orange County, Salvador Sarmiento, Judge. Affirmed.

Diana W. Prince, under appointment by the Court of Appeal, for Defendant and Appellant.

Nicholas S. Chrisos, County Counsel, Karen L. Christensen, Senior Deputy County Counsel, Debbie Torrez, Deputy County Counsel, and Amy Lief, for Plaintiff and Respondent.

* * *

Cindy L. (Mother) appeals from the court's November 20, 2008 order appointing the Court Appointed Special Advocate (CASA) of Paige L. (Child) as the holder of Child's educational rights and limiting Mother's right to make educational decisions for Child. We affirm.

FACTS

Child, now 13 years old, was declared a dependent child at age five based on findings that Mother physically and emotionally harmed and failed to protect her, abused alcohol, and engaged in domestic violence with Child's father. The facts and court proceedings in this case through the November 2006 hearing under Welfare and Institutions Code section 366.26 are discussed in detail in three unpublished opinions of this court, of which we take judicial notice.[1] (*In re Paige F.* (Mar. 10, 2006, G035784) [nonpub. opn.]; *Cindy L. v. Superior Court* (Apr. 4, 2006, G036521) [nonpub. opn.]; *In re Paige F.* (June 25, 2007, G037883) [nonpub. opn.].) We therefore recite only the facts and procedure relevant to Mother's appeal of the court's November 20, 2008 order concerning Child's educational rights, except to note that the court in December 2005 denied Mother's request for renewed reunification services and in May 2006, pursuant to section 366.26, subdivision (c)(3) found that termination of parental rights would not be

[1] All statutory references are to the Welfare and Institutions Code unless otherwise stated.

detrimental to Child and selected adoption as Child's permanent placement goal but did not terminate Mother's parental rights as no adoptive parent for Child had yet been identified.

Child was subsequently placed with prospective adoptive parents, but in November 2006, the prospective parents ended Child's placement in their home because her behavior had "decline[d] after her last visit with her mother." The prospective adoptive parents believed Child might have an "undiagnosed mental illness that created behaviors out of the child's control and too difficult for them to deal with." Child had threatened the prospective adoptive parents and violently acted out toward their daughter.

Child was then placed in a respite foster home, but due to her "whining, tantrums, verbal aggression[,] defiance," and threats, the respite foster parents "asked that the child be removed from their home." Child was placed in a group home where she was "reported to be 'honeymooning,' not yet displaying these concerning behaviors and gaining rewards for her good behavior in the group home."

A psychiatrist and a psychologist believed Child might have bipolar disorder. Her medicating psychiatrist increased her medication dosage, but the increase resulted in little behavior change.

The social worker did not recommend visitation with Mother as it had "historically . . . been detrimental to this child," but suggested that if it were reinstated, it be limited to no more often than every other month. Child stated "she thought that not seeing her mother was 'brutal and harsh.'" Recently, "with no adoptive family and no definite family for placement, the child is yearning to see her mother."

Angela, a non-related extended family member, had "expressed interest in pursuing foster placement with the child" but was not yet able to make a decision about adopting her. Angela had "been spending great amounts of time with the child and remain[ed] interested in placement of the child in her home," although she had experienced Child's "trantrums [and] defiance . . . ." Angela, as "a single person who

works full time," was "concerned that no childcare arrangement short of a specially trained one-on-one person would be able to manage the child . . . ."

The social worker reported Child had a good relationship with her CASA. The CASA was "a very committed . . . volunteer" trusted by Child and able to interact with Child and to "spend time doing child oriented activities."

The CASA reported Child enjoyed being with Angela and wanted to live with her. The CASA noticed that since Child had left her prospective adoptive family, "when she is upset and doesn't get her way, she returns to talking in baby talk, crying and saying she wants to see her mom and dad and the [former prospective adoptive parents]. This is the only time her mom and dad come into our conversations, but she does bring [the former prospective adoptive parents] into conversations at least a couple of times each visit."

In February 2007, the court ordered that Child remain in long-term foster care pursuant to section 366.26, subdivision (c)(3). The court approved visitation for Mother at one visit per month but admonished Mother to follow the court's orders.

In November 2007, the CASA reported Child was "trying harder to get her homework done each night and do better in school." The CASA and Child had "talked about how important it is to do well in school in each grade" because Child "needs a good education so she can get a good, well-paying job."

In March 2008, the social worker reported Child was "doing poorly in school as she refuses to complete assignments." "[T]he child is capable of doing her work, but chooses not to do so." Child told other students she was pregnant and had had an abortion. She was defiant at school. She was interested in boys and wore seductive clothing, "refusing to wear the school uniform." She had hygiene problems and would not take showers.

On visits with Angela, Child exhibited the same defiant behavior she did in the group home, throwing tantrums and using profanity. Yet, Angela remained

committed to Child and saw her almost every weekend. Child was to be transitioned into a multi-treatment foster care (MTFC) program with the goal that she would be placed with Angela upon completion of the program.

Mother consistently visited Child for one hour a month.

Apparently due to anxiety about the potential placement in the MTFC program, Child's behavior problems escalated. She "began refusing to go to school" because "she did not want to wear the school uniform . . . ." She threw "hot liquid" at a staff member, ran away, and said she wanted to kill herself. She and another child jumped out of a van on the way home from an orthodontic appointment; they tried to get in the driver's seat and take the van, but "the keys were not accessible."

The court appointed an educational attorney for Child for the purpose of "needs assessment" only.

By April,[2] Child was running away "on an almost daily basis for short periods of time to hours away from the group home." On one occasion, Child and two other children left the group home for four days.

Mother moved close to "Angela's place of business." Child now knew where Mother lived and insisted "on going there when visiting Angela," thus "seriously jeopardiz[ing] this potential placement . . . ." At a court hearing, the court stated it appeared Mother had disclosed her home address to Child during a monitored visit, violating the court's order "not to discuss those types of issues . . . ."

After Child "shoved a staff member into a window" at the group home, she was taken to a hospital for an involuntary psychiatric hold. She showed improvement upon her return from the hospital. She went back to school and did not run away again. But she continued to be "assaultive, threatening, profane and defiant." Child's medication had been changed.

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[2] All dates refer to 2008 unless otherwise stated.

The CASA reported Child's grades in school had been improving since she had "been staying in at recess and lunch with Mrs. W to do her work." Child was "going through a difficult time now that she knows her MTFC is near and she'll be moving again. [Child] does not like change and it is a hard and slow process for her." Child had received an award for the most improved grade point average in her class for the term.

The educational attorney reported Mother believed Child suffered from the disability of attention deficit disorder while the social worker believed Child had an emotional disturbance disorder, but everyone agreed she "is a bright child capable of doing well in school."

By May, Child was in a different group home with "one-on-one staff available to her . . . ." Child continued to leave the home without permission, and to be "profane and defiant." She "wander[ed] around school" and refused to stay in class. In response to the CASA's inquiry, Child's teacher reported Child, perhaps due to her medications, "has an extremely difficult time focusing on anything and has a hard time keeping her body still. Some days she will come in to school and look like she hasn't slept all night and complain of headaches and not feeling well." The school psychologist "stated he felt that [Child] was not in control of her behaviors and was not processing what was being said to her." The school health clerk had "caught her going through the cabinets in the health area . . . ." Mother, too, expressed concern about Child's medications.

Child ran away and was found by the police at Mother's home. Child told the social worker Mother had not changed and was "'still drinking.'" Mother had "talked 'funny'" and "there were cigarettes and beer bottles all over the house." Child was "crying and upset" and said "she hates her mother and did not want to see her again." In a telephone call with the social worker, Mother admitted she was "drinking the day [Child] came to her home and that she had been binge drinking for quite a few months."

When Mother next visited Child, the social worker noticed Child "revert[ed] to baby behavior," refusing to acknowledge her pain to Mother. The social worker believed Mother's "complete unawareness that the baby behaviors were inappropriate for a 12-year-old child, [was] very troubling. Further, to carry the child around on her waist like a toddler is even more concerning . . . as it appears that their relationship is stuck at a toddler level." Mother told Child "that people drink to avoid pain" and that Mother "missed [Child]" and "sometimes it was painful thinking of her."

The CASA reported she was "still very concerned" about Child's medications. The CASA stated it was also a concern of Child's teacher, "staff at her new placement and her foster mom in training."

The educational attorney reported it appeared Child "does require the assistance of an education attorney due to her poor academic progress and special education needs."

In May, the "court engaged in informal discussion with all counsel and [the] educational attorney." The court discussed with Mother "the fact that she currently is the holder of [Child's] education rights." The court instructed the educational attorney "that if in the course of her representation of the child, for educational purposes, she arrived at the opinion that [Mother] was not effectively advocating for the child's educational needs, . . . she was to notice all counsel regarding a motion to suspend Mother's education rights . . . ."

In June, Child was "psychiatrically hospitalized" for 16 days after "shattering three windows in her placement that injured other children." Child's medications were being evaluated and one of them was discontinued. After that, Child did not exhibit "the dangerous behaviors that placed herself and others at risk," although she continued to act aggressively.

In August, the court heard an oral report from Child's educational attorney.

The CASA reported Child "agreed to be part of the MTFC program believing that the final goal is being able to live with Angela and be a part of her family forever!"

In September, Child was moved to an MTFC home where the focus would "be to target the child's problematic behaviors and teach the child alternative coping skills." Child also spent time with Angela and was "trying really hard to be good and follow the rules that Angela has set for her." The social worker believed it was in Child's "best interest to have less contact with Mother," who had tried "to sabotage other placements by undermining the child's belief that she is being well-cared for and the belief that she is cared about." The social worker stated, "Should her mother try to undermine the placement, it is unlikely that the child will successfully transition from MTFC to a permanent home."

At the visitation review hearing, the court continued Mother's visitation at one visit per month, but ruled that the social services agency could "limit or suspend visitation if mother is inappropriate or visit is detrimental to minor."

In October, Angela received many threatening voice mail messages from Mother. Mother stated she wanted to "get [her] daughter back," and that if Angela tried "to get her placed with [Angela], that rules [Mother] out." Mother said, "If you do want to adopt her I want to go forward with doing what it takes to stop that." Mother then threatened to charge Angela's business partner with child molestation, attending pornography conventions, and having a "severe gambling addiction." Mother also stated the business partner was "screwing every fricking married woman around town . . . ." Angela's business partner obtained a restraining order against Mother.

Child was "in seventh grade at a local middle school." At her Individual Educational Plan (IEP)[3] meeting, her teachers "reported good progress . . . ." "The

[3] "An IEP is a comprehensive statement of a disabled child's educational needs and the specifically designed instruction and related services that will meet those

teachers report that they understand that the child is emotionally disturbed and are working with her to build strategies that do not involve behaviors that will get her into trouble." The social worker requested "a confidential placement, [which would] preclude the child's mother from coming to her school, having information about her school placement or participating in educational planning." The CASA was willing to serve as the child's responsible adult for educational decisions.

At the MTFC foster home, Child continued "to have temper tantrums usually over minor issues." Child's psychiatrist was managing her medications. Child's visits with Angela were "currently going well and the child is looking forward to living with Angela."

During Mother's October visit with Child, Mother showed Child a picture on her camera "and stated that it was the child's room and [she] was waiting for [Child] to come home." After this visit, Child's "negative behaviors increased . . . ." "Angela reported having the worst visit with [Child] in months due to [Child's] crying inconsolably, tantrumming and defiance. The MTFC foster mother was exhausted by the child's escalating behaviors and asked that the child be placed in respite to give the foster mother "a break." "The child stated to Angela, 'I am never going to my mom and I know that. But, my mom doesn't know it.'" The manager of the MTFC program reported that Child's "behavior since her visit with her Mother is the worst it has been since being placed in this foster home" and asked the social worker to "please do something to change the visit so that [Child] could recover and continue to make the progress that she

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needs. [Citation.] It is developed by a school official qualified in special education, the child's teacher, and the parents. [Citation.] It guides the school system as to how the child will be educated. However, parents may disregard the IEP and educate their child in a manner different from that specified by the IEP." (*In re Carl R.* (2005) 128 Cal.App.4th 1051, 1067.) "[An] IEP is reviewed at least annually and revised as necessary." (*Ibid.*)

had been making prior to visiting with her mother." The social worker restricted Mother to quarterly visits.

Mother reported she was sober and was attending a drug and alcohol treatment program.

The social worker filed a form JV-535 requesting that the CASA be appointed Child's "Responsible Adult to make educational decisions for the child." The CASA had agreed to serve as the responsible adult for Child's educational decisions.

The CASA (who had been Child's CASA for the past four years) reported that she had attended Child's IEP meeting at a public school. The teachers and staff had stated Child was "doing well," her grades ranged "from A-C and her behavior is in control." Child "likes her school and the staff." The CASA reported that Mother's recent visit had sent Child "spinning for days." Child "was very clingy and wanted to be sure that [CASA] knew that Angela and the kids are her family forever. [Child] should not be put through so much heartache."

On November 20, the court ordered Child's "placement and school information to be confidential" and appointed the CASA "as the holder of educational rights." Mother's counsel objected, arguing: "I don't believe that because the county wants her school placement to be confidential, [that] that is a valid reason to limit a parent's educational rights. [¶] We are talking about a mother, here, who has a college degree [and] substitute teaches for the Newport-Mesa School District. She is certainly capable of looking after her child's educational rights, and the child's best interests, and has been doing so for years."

The court told Mother: "Over [your counsel's] objections, I am ruling the way I did, and the basis right now is . . . the limited contact you have with the child. If there is a change in circumstances, you can always ask the court [to] modify that order, and I will consider that at the time."

The court appointed an expert to evaluate Mother and the extent of her substance abuse and its effect on her parental capacity, with the report due by January 3, 2009. The court ordered "no visitation for mother pending the [January 2009] court date."

DISCUSSION

Under section 245.5, a juvenile court is empowered to direct orders to the parent of a dependent child or ward of the court as the court may deem "necessary and proper for the best interests of or for the rehabilitation of the minor," including orders concerning education. (*Ibid*.) Relying on *In re Jonathan L.* (2008) 165 Cal.App.4th 1074 (*Jonathan L.*), Mother contends section 245.5 infringes on the constitutional right of parents to direct their children's education and that the statute withstands strict scrutiny review only if courts narrowly tailor their orders to achieve the compelling governmental interest of protecting children's health or safety. She contends that because her parental rights have not been terminated, her constitutional right to direct Child's education "remains intact." She provides no support for this proposition. Nonetheless, she asserts the court's order appointing the CASA as the holder of Child's educational rights is subject to a strict scrutiny standard of review. She argues the court's stated reason for its order — i.e. that Mother has limited contact with Child — "does not withstand strict scrutiny." According to Mother, there is no evidence her visitation with Child has ever created an unsafe situation for Child. She disputes the social worker's assessment that Mother's visits with Child have contributed to Child's behavior problems and failed placements. Instead, Mother observes Child has followed a pattern of doing well during the "honeymoon" period when new to a placement, only to subsequently regress. Mother points out Child's poor behavior and school problems have continued even though Mother's visitation has been decreased. With respect to educational

decisions, Mother states there is no evidence she "was inappropriate at [Child's] IEP meetings." She argues no reason exists for keeping Child's school location confidential; she asserts there is no evidence she "has inappropriately visited [Child's] previous schools or jeopardized [Child's] safety or education by interfering with [Child's] attendance at school." Even if the school location must be kept confidential, Mother argues that less restrictive options are available which would enable her to make educational decisions for Child. For example, she argues, Child's IEP meetings could be held off-site; Mother could participate by speaker phone; or a third party (such as Mother's attorney or the social worker) could obtain Mother's viewpoints and present them at the IEP meetings.

We briefly review the law on a juvenile court's orders regarding educational decisions for a child. Aside from section 245.5 (which applies to both dependency and delinquency cases), several other statutes expressly authorize a court to limit a parent's right to make educational decisions for a dependent child of the court. (§§ 361, subd. (a) [dependency cases in general], 366, subd. (a) & (a)(1)(C) [child in foster care prior to section 366.26 hearing], 366.3 [child in foster care after adoption selected as permanent plan].) Section 366.3 applies here since Child is in the post permanency review stage. Under subdivision (d) of section 366.3, a child's status must be reviewed every six months. At a six-month review hearing, the court *must* determine whether a parent's right to make educational decisions for the child should be limited, and if so, the court must simultaneously "appoint a responsible adult to make educational decisions for the child pursuant to Section 361." (§ 366.3, subd. (e)(5).) Any such limitation "may not exceed what is necessary to protect the child." (*Ibid.*)

When a court appoints an educational representative for a dependent child, it "should consider appointing[, inter alia,] a . . . CASA volunteer . . . if one is available and willing to serve." (Cal. Rules of Court, rule 5.650(c)(1).) The educational representative should represent "the child in the identification, evaluation, and

educational placement of the child and with the provision of the child's free, appropriate public education" and should meet with the child "as often as necessary to make educational decisions that are in the best interest of the child"; participate in, and make "decisions regarding, all matters affecting the child's educational needs in a manner consistent with the child's best interest"; and have "knowledge and skills that ensure adequate representation of the child." (Cal. Rules of Court, rule 5.650(f)(1) & (2)(A), (D), (E).)

In *In re R.W.* (2009) 172 Cal.App.4th 1268 (*R.W.*), we applied an abuse of discretion standard of review to a juvenile court's order limiting the parents' educational rights. (*Id.* at p. 1277.) The facts in *R.W.* bear some resemblance to the ones before us now. R.W., a 16-year-old girl, "had been in the dependency system for over seven years [after being] removed from the parents' custody . . . based on charges" of physical and emotional abuse. (*Id.* at p. 1270.) R.W. "suffered from severe emotional and behavioral problems that . . . manifested themselves in tantrums, assaults, '"intense aggressive behaviors,"' defiance, death threats, and destruction of property." (*Id.* at p. 1271.) She was "on a periodically adjusted regimen of psychotropic medications." (*Id.* at p. 1270.) Despite many efforts, "[e]very attempt to find a suitable placement for her ha[d] been unsuccessful." (*Id.* at p. 1272.)

R.W.'s IEP team began searching for a residential treatment center "'where she could be afforded a therapeutic milieu to more effectively deal with her mental health needs.'" (*Id.* at p. 1273.) Ultimately, three such placements in California were considered, but they either "had no openings" (*id.* at p. 1273) or did not accept R.W. as a good fit (*id.* at p. 1275). The IEP team then recommended R.W. be placed in a center in Wyoming, but the mother opposed the recommendation. (*Id.* at p. 1275.)

"R.W.'s educational attorney filed a motion to limit [the] parents' rights to make educational decisions for R.W. and to appoint a responsible adult as educational representative." (*R.W., supra,* 172 Cal.App.4th at p. 1275.) The motion stated: "'R.W.'s

IEP team, including her mental health team, all support the recommended residential place[ment], as does her CASA and educational surrogate . . . . [¶] The only impediment now to her placement, is her parent's recent decision to withhold her consent.'" (*Ibid.*) The motion also "noted the 'window of opportunity for meaningful therapeutic intervention is closing.'" (*Id.* at p. 1277.)

The juvenile court granted the motion. (*Id.* at p. 1276.) On appeal we reviewed the juvenile court's order for abuse of discretion. (*Id.* at p. 1277-1278.) The abuse of discretion standard was appropriate because, although "[p]arents have a constitutionally protected liberty interest in directing their children's education" (*id.* at p. 1276), "when a child is a dependent child, a court may limit a parent's ability to make educational decisions on the child's behalf by appointing a responsible adult to make educational decisions" (*ibid.*). We found the court did not abuse its discretion as ample evidence supported its order limiting the parents' educational rights. (*Id.* at p. 1277.) Furthermore, "R.W.'s IEP team, mental health team, CASA, educational attorney, and trial counsel all agreed R.W. should be placed at the [Wyoming center]. Only [the mother] disagreed, but she had never shown good judgment in making decisions affecting R.W. [The mother] had been deemed an unfit parent, and her reunification services had been terminated." (*Id.* at p. 1278.)

Jonathan L., supra, 165 Cal.App.4th 1074, does not support mother's contention that an order limiting a parent's educational rights must be subjected to strict scrutiny review. In *Jonathan L.,* the parents had custody of the two children in question but had been deemed to be unfit parents — the children had been declared dependent, but "were released to [the] parents' custody on the condition that the parents cooperate in the [dependency] case." (*Id.* at p. 1085.) Because the children were home schooled (*ibid.*), the children's counsel "sought an order that the children be sent to private or public school, as a matter of *safety*. Counsel argued that, given the history of abuse in the family, and the parents' continued refusal to allow the children to speak freely with social

workers, it was necessary for the children to attend a school where they would have regular contact with mandatory reporters of child abuse." (*Id.* at p. 1087, fn. omitted.) The trial "court declined to enter the [requested] order, stating that it did not want to deprive the parents of their 'constitutional right to educate their own children.'" (*Ibid.*) The children's counsel then challenged the trial court's decision by petitioning the appellate court for an extraordinary writ. (*Id.* at p. 1088.)

In considering the petition, *Jonathan L.* discussed at length the proper standard of review for a claimed violation of a parent's constitutional right to direct a child's education. *Jonathan L.* first noted that early U.S. Supreme Court cases held that restrictions on the educational right of parents were subject to "rational-relation review." (*Jonathan L., supra,* 165 Cal.App.4th at p. 1102.) But *Jonathan L.* then observed that a more recent U.S. Supreme Court case (*Troxel v. Granville* (2000) 530 U.S. 80 (*Troxel*)) did "not set forth the standard of scrutiny," and that, based on *Troxel*, "two California cases have applied strict scrutiny in cases alleging violations of the parental liberty interest." (*Jonathan L.*, at p. 1102.) The two California cases in question were *Herbst v. Swan* (2002) 102 Cal.App.4th 813 (*Herbst*) and *Punsly v. Ho* (2001) 87 Cal.App.4th 1099 (*Punsly*). (*Jonathan L.*, at p. 1102.) Significantly to the case before us, *Jonathan L.* failed to mention that *Troxel*, *Herbst*, and *Punsly* were *not* dependency cases nor did they involve a parent's right to direct a child's education. Rather, *Troxel*, *Herbst*, and *Punsly* each involved a "fit" parent who had custody of a child and a concomitant constitutional right to decide whether visits with relatives (such as grandparents) were in the child's best interests. (*Troxel, supra,* 530 U.S. at p. 57; *Herbst, supra,* 102 Cal.App.4th at p. 820; *Punsly, supra,* 87 Cal.App.4th at p. 1110.)

Further impacting the applicable standard of review in *Jonathan L.* was the parents' assertion of "a religious motivation for home schooling their children." (*Jonathan L., supra,* 165 Cal.App.4th at p. 1102, fn. 32.) *Jonathan L.* noted "it has been suggested that when a parental liberty interest claim is *combined* with a free exercise

claim, strict scrutiny is required." (*Id.* at p. 1102.) In the end, *Jonathan L.* reached no firm conclusion on the appropriate standard of review, stating: "[T]he level of scrutiny to which alleged violations of the parental liberty interest in directing the education of one's children are subject is not clearly established. Nonetheless, it is clear that if a restriction on the right satisfies strict scrutiny, the restriction is constitutional." (*Ibid.*) On this cautionary note, *Jonathan L.* held, "Should a dependency court conclude, in the proper exercise of its discretion, that due to the history of abuse and neglect in the family, requiring a dependent child to have regular contact with mandated reporters is necessary to guarantee the child's safety, that order would satisfy strict scrutiny." (*Id.* at p. 1104.) The Court of Appeal emphasized "that we are here concerned with a proceeding in *dependency*. In this case, the restriction on home schooling would arise in a proceeding in which the children *have already been found dependent due to abuse and neglect of a sibling*. We are therefore not concerned with the interference with the rights of a fit parent; the parents in dependency have been judicially determined not to be fit. 'The focus of dependency proceedings is on the child, not the parent. . . .' [Citation.] 'The juvenile court "'stands *in loco parentis* to the minor in a proceeding whose primary consideration is the minor's welfare.'"'" (*Id.* at pp. 1103-1104.)

In the case before us, there is even less reason to apply a strict scrutiny standard of review. Mother's reunification services have been terminated. The court has ruled that termination of her parental rights would not be detrimental to Child. Mother lost custody of Child eight years ago and has never regained it. She does not allege the court's order regarding education infringes on her right to freedom of religion.

We therefore apply the abuse of discretion standard to the court's order limiting Mother's educational rights, asking "'whether the trial court exceeded the bounds of reason.'" (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.) It did not. Ample evidence supports the court's decision. Mother's contact with Child was undoubtedly limited and for good cause (as discussed below). Because of the disruptive

effect of her visits with Child, her visitation was first reduced to a quarterly basis and then to no contact at all pending the completion of Mother's psychological evaluation. As a result, Mother was not well suited to make informed educational decisions in Child's best interest. The social worker observed the relationship between Mother and Child to be "stuck at a toddler level"; Mother did not realize that carrying a 12-year-old on her hip was not an age appropriate interaction. Nor does the record reflect Mother invested great effort on Child's educational matters; for example, Mother did not attend the August 2007 IEP meeting "although she had indicated that she would attend." In contrast, Child's CASA has consistently attended IEP meetings, monitored and reported on Child's educational progress and problems, and tutored Child on school work.

Moreover, the court's order was necessary to maintain the confidentiality of Child's school placement. Such confidentiality was justified because, contrary to Mother's assertions, evidence showed she acted inappropriately at visits with Child and at IEP meetings. Her contact with Child caused risks to Child's health and safety, both mental and physical. For example, during one monitored visit, in contravention of the court's orders, Mother informed Child of her new home address. As a result, Child ran away from her group home and went to Mother's house where she found Mother in a drunken state. This discovery caused Child to cry and be upset when describing the experience to the social worker. During the next visit, Mother told Child the reason she drank was to alleviate the pain she felt thinking about Child. Finally, during the October visit, Mother showed Child a photograph of the room that would be Child's once she came home to live with Mother. This caused Child's behavior to degenerate to such an extent that Dr. Mary Eason (the program manager for the MTFC program) asked the social worker to "please do something to change the visits so that [Child can] recover and continue to make the progress that she had been making prior to visiting with her mother." (This evidence also refutes Mother's contention Child's behavior problems cannot be blamed on her visitation, but are instead the result of Child's inevitable

regression after "honeymooning" in new placements.) As to IEP meetings, at one such meeting at Child's school, the social worker observed Mother break the established rules by waiting outside the school office for Child to come by and then interacting with Child "with no monitor or other appointed person available."

As to Mother's suggested accommodations for allowing her to make educational decisions while keeping the school's identity confidential, these options are ineffective or infeasible. If Child's IEP meetings were held off-site or Mother were allowed to participate by speaker phone, Mother could likely learn the names of Child's teachers or other school staff and ascertain the school's identity. Having a third party (such as Mother's attorney or the social worker) obtain Mother's viewpoints and present them at IEP meetings would waste time and prevent the give and take of effective discourse and decision-making. In any case, as discussed above, due to Mother's limited contact with Child, Mother is not well suited to make educational decisions in Child's best interest.

Mother has tried to sabotage Child's placements "by undermining the child's belief that she is being well-cared for and the belief that she is cared about." Child's social worker believes that "[s]hould her mother try to undermine the placement, it is unlikely that the child will successfully transition from MTFC to a permanent home." Child has a window of opportunity to attain a permanent, stable and loving home with Angela. As in *R.W.*, the court's order here "was based on the urgent need to address [Child's] emotional, behavioral, and educational needs before the 'window of opportunity' shut[s] tight." (*R.W., supra,* 172 Cal.App.4th at p. 1278.)

DISPOSITION

The order limiting Mother's educational rights and appointing the CASA as Child's educational representative is affirmed.

IKOLA, J.

WE CONCUR:

O'LEARY, ACTING P. J.

MOORE, J.